



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,986	03/07/2001	Rose Mary Farenden	200-1765	6663
28395	7590	05/31/2005	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			STIMPAK, JOHNNA	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/800,986

**Applicant(s)**

FARENDEN, ROSE MARY

**Examiner**

Johnna R Stimpak

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-8 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a non-final office action upon examination of application number 09/800,986. Claims 5, 9 and 10 have been cancelled. Claims 1-4, 6-8, 11-13 are pending and have been examined on the merits discussed below.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claims 1, 2, 4 and 6** are rejected under 35 U.S.C. 102(e) as being anticipated by Smith, US 6,701,313.

Art Unit: 3623

As per **claim 1**, Smith teaches receiving input defining a plurality of employment requisitions wherein each employment requisition has associated candidate matching criteria (column 15, lines 54-56 – the job provider generates a job profile); host an interactive interface for presenting a plurality of candidates with an employment skills questionnaire (column 16, lines 16-26 – the job seeker is presented a questionnaire based on the job); assess each candidate based on a comparison between each candidate's employment skills and the candidate matching criteria (column 16, lines 23-26 – once the questionnaire is completed it is determined if the candidate passed or meets the criteria); host an interactive interface for allocating the employer-hosted recruiting event invitations to candidates wherein the invitations are allocated based on the assessment (column 16, lines 30-43 – upon review of the assessment the job provider invites the job seeker to an interview); host an interface for receiving an assessment of each candidate attending the employer-hosted recruiting event (column 16, lines 56-58 – the job provider can access the job seekers details for use in the interview); host an interface for presenting each candidate's assessment in real-time during the employer-hosted recruiting event (column 16, lines 56-58 – while the interview is taking place the job provider can take notes on an interview notes screen and can also access the job seeker details); and host an interface for selecting candidates for hire based on the assessment wherein the system automatically sends selected candidates an offer letter in an electronic format prior to the conclusion of the employer-hosted recruiting event (column 16, lines 58-65 – provided the job seeker is suitable for the job, a job offer screen is displayed for the job provider to enter details which are transmitted to the job seeker through a web server).

Art Unit: 3623

As per **claim 2**, Smith teaches hosting an interface for presenting a profile of each candidate wherein each profile comprises an assessment of how well a candidate's employment skills match the candidate matching criteria (column 16, lines 23-26 – once the questionnaire is completed it is determined if the candidate passed or meets the criteria).

As per **claim 4**, Smith teaches hosting an interface for defining and scheduling the employer-hosted recruiting events (column 16, lines 29-43 – the job provider fills in details of the interview on an interview request screen which is transmitted by email to the job seeker who then indicates acceptance or declination of the interview).

As per **claim 6**, Smith teaches the assessment comprises an assessment of a candidate's interview performance (column 16, lines 56-58 – while the interview is taking place the job provider can take notes on an interview notes screen – inherently assessing the job seeker's interview).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3, 7, 8 and 11-13** rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

As per **claim 3**, Smith teaches each candidate profile additionally comprises an assessment based on the questionnaire (column 16, lines 16-21 – an interface is provided

Art Unit: 3623

to collect candidate information; fig 3, questionnaire includes skills information), but does not explicitly teach an assessment of the candidate's leadership behaviors. It is old and well known to one of ordinary skill in the art of recruiting that skills such as leadership, among others, are gathered during the collecting of candidate history information. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to specify the inclusion of collecting leadership skills depending on the position opening. For example, if the position opening were for a team leader, manager, etc., it would be crucial to the selection process to collect candidate information pertaining to leadership qualities, experience and/or skills for better selection of an appropriate candidate for the job.

As per **claim 7**, Smith teaches assessing the candidate during the interview but does not explicitly teach the assessment comprises an assessment of a candidate's performance during a group observation exercise. However it is old and well known to use group interviews or observation exercises to evaluate candidates for a job position to observe group interaction and/or participation and how the candidates behave or stand out among their peers. Since Smith teaches collecting information during an interview, and given the well known benefits of group observations described above, it would have been obvious to one of ordinary skill in the art at the time of the invention to include an assessment of the group observation exercises in selecting a candidate because the group observation can indicate if a candidate interacts well with existing as well as potential employees thereby identifying the best candidates.

As per **claim 8**, Smith teaches interviews for assessing the candidate, but does not explicitly teach the assessment comprises a placement recommendation for the candidate

Art Unit: 3623

wherein the recommendation is based on the candidate's discussion with a mentor.

However, it is old and well known to recommend a candidate for a position based on his or her interactions with an existing employee. Smith teaches using interviewing to make the selection therefore it would have been obvious to have the candidate interview with an employee that would serve as a mentor to determine if the candidate would be a good fit in the organization. This would lead to a more confident selection of a candidate.

As per **claim 11**, Smith teaches a recruiting web page (column 8, lines 15-20), but does not explicitly teach defining a plurality of university-specific recruiting web pages wherein each page comprises information for candidates regarding recruiters and on-campus recruiting activities at their university. However it is old and well known for an employer to include a recruiting event schedule for colleges and universities on their career or job opening web pages. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to include a place for job candidates who may be enrolled in college to search for upcoming local recruiting events as is done on most large company websites, this way the potential job candidates would have a forum to meet with employers to determine if the company would be right for them. Alternatively it would act as a screening tool for the employer to use on interested students.

As per **claim 12**, Smith does not explicitly teach defining hiring objectives wherein the hiring objectives comprise a target number of hires and diversity initiatives. However it is old and well known in the art of recruiting to specify a target number of hires and diversity initiatives. It would have been obvious to specify a target number of hires because it is well known that a company cannot hire every candidate available. It is

Art Unit: 3623

well known that for any given open position that there are a specific number of spots to fill. As for diversity initiatives, it is old and well known that more and more employers are striving to fulfill diversity initiatives to meet the equal employment opportunity laws. It would have been obvious to incorporate both of these limitations into Smith to have a more efficient hiring process and to abide by federal law.

As per **claim 13**, Smith teaches specifying employment criteria but does not explicitly teach defining hiring objectives presents a recruiting status report indicating the degree to which the hiring objectives have been met. However it is old and well known in the art of recruiting to specify hiring objectives and indicate if the objectives have been met. I would have been obvious to one of ordinary skill in the art at the time of the invention to specify the degree to which the hiring objectives have been met as an indicator of how many candidates should be screened or interviewed or selected. This makes the hiring process more efficient since the employer would be updated as to the status of hiring objectives and would thereby only continue the hiring process for as long as needed.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams et al, US 6,618,734 – pre-employment screening and assessment interview process

Puram et al, US 6,289,340 – consultant matching system and method for selecting candidates from a candidate pool by adjusting skills values



Art Unit: 3623

Durand et al, US 6,272,467 – system for data collection and matching compatible profiles

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R Stimpak whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS  
5/26/05



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600